

[Counsel listed on signature page.]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE DITROPAN XL ANTITRUST  
LITIGATION

MDL No. 1761 (JSW)

This Document Relates to:  
ALL ACTIONS

**STIPULATION AND [PROPOSED]  
ORDER AMENDING CASE  
MANAGEMENT ORDER NO. 2 TO  
EXTEND CASE SCHEDULE**

Hon. Jeffrey S. White

**STIPULATION AND [PROPOSED] ORDER**

1. On October 27, 2006, the Court held an initial case management conference pursuant to Local Rule 16-10(a) and Federal Rule 16. As a result of that conference, the Court entered Stipulated Case Management Order ("CMO") No. 2 on November 1, 2006.

2. On November 3, 2006, the Defendants filed their Motion to Dismiss Direct Purchaser Action On Standing Grounds, Or, In The Alternative, To Compel Arbitration, and their Motion To Partially Dismiss The Direct And Indirect Purchaser Actions. On December 22, 2006, the Direct Purchaser and Indirect Purchaser Plaintiffs filed separate briefs in response to the Defendants' motions to dismiss, and on January 19, 2007, the Defendants filed their reply memorandums. On February 9, 2007, the Court heard oral arguments on the Defendants' motions to dismiss. As of the drafting of this Stipulation, the Court has not ruled on either of the Defendants' motions to dismiss.

3. CMO No. 2 requires the Plaintiffs to file their motions for class certification on or before April 27, 2007.

///

4. In light of the fact that the Court has not yet ruled on Defendants' motions to dismiss, the parties have agreed and hereby stipulate (subject to the Court's order allowing them to do so) that Plaintiffs be granted a 60-day extension of time, until June 26, 2007, to file their motion for class certification. In addition, the parties have agreed that the remaining dates and deadlines established by CMO No. 2 shall likewise be extended by approximately 60 days. Specifically, the parties stipulate to the following amendments to CMO No. 2:

		<u>CMO No. 2</u>	<u>Amendment</u>
Motion For Class Certification and Expert Reports in Support of Class Certification	Plaintiffs file motion and any expert reports:	April 27, 2007	June. 26, 2007
	Deadline for Defendants to depose Plaintiffs' experts, respond to motion, and file their expert reports:	July 27, 2007	Sept. 25, 2007
	Deadline for Plaintiffs to depose Defendants' experts and file reply:	Aug. 24, 2007	Oct. 23, 2007
	Hearing:	Sept. 14, 2007	November 16, 2007 <del>TBD by Court</del>
Motion For Summary Judgment or Partial Summary Judgment Regarding Issues in Paragraphs 3(b) through 3(d) of CMO No. 2 and Expert Reports in Support of Summary Judgment	Opening Motion and supporting expert reports:	Oct. 12, 2007	Dec. 11, 2007
	Cross Motion and Opposition Motion and supporting expert reports:	Nov. 21, 2007	Jan. 18, 2008
	Opposition to Cross Motion (and supporting expert reports) and Reply in Support of Opening Motion:	Dec. 21, 2007	Feb. 15, 2008
	Reply in Support of Cross Motion:	Jan. 25, 2008	Mar. 21, 2008

		<u>CMO No. 2</u>	<u>Amendment</u>
	Hearing (If No Cross Motions Filed):	Jan. 11, 2008	<del>TBD by Court</del> March 21, 2008
	Hearing (If Cross Motions Filed):	Feb. 15, 2008	<del>TBD by Court</del> April 11, 2009
Completion of Discovery Relating to Specific Issues in CMO No. 2	Paragraph 3(a):	July 13, 2007	Sept. 11, 2007
	Paragraphs 3(b)-(d):	Sept. 28, 2007	Nov. 16, 2007

5. Nothing in this Stipulation alters or modifies any provision in CMO No. 2 except the deadlines appearing in the table above.

6. This stipulation for an extension of time has been brought in good faith and not for purposes of undue delay or harassment, and conforms with the requirements of Local Rules 6-2, 7-12, and 16-2(d), and Federal Rule 16(b), which requires "a showing of good cause" for the modification of a scheduling order. Fed. R. Civ. P. 16(b).

7. Pursuant to Local Rule 16-2(d), and with the consent of counsel for Direct Purchaser Plaintiff, counsel for Indirect Purchaser Plaintiffs, Edward A. Wallace, consulted with counsel for Defendants, M. Sean Royall, who has agreed to this stipulation

IT IS HEREBY STIPULATED by and between the parties through their designated counsel that the Plaintiffs shall have until June 26, 2007 to file their motions for class certification in this matter and that all deadlines contained in the Stipulated Case Management Order No. 2 be extended by the approximately 60 days, as specified in paragraph 4 above.

**STIPULATED AND AGREED TO BY:**

DATED: April 17, 2007

/s/

Edward A. Wallace  
**WEXLER TORISEVA WALLACE LLP**  
 One North LaSalle Street, Suite 2000  
 Chicago, IL 60602  
 Telephone: (312) 346-2222  
 Facsimile: (312) 346-0022

1 Timothy J. Becker  
2 **ZIMMERMAN REED, P.L.L.P**  
3 651 Nicollet Mall, Suite 501  
4 Minneapolis, MN 55402  
5 Telephone: (612) 341-0400  
6 Facsimile: (612) 341-0844

7 Jason J. Thompson  
8 **J. THOMPSON & ASSOCIATES PLC**  
9 26000 West Twelve Mile Road  
10 Southfield, MI 48034  
11 Telephone: (248) 436-8448  
12 Facsimile: (248) 436-8453

13 Jeffrey L. Kodroff  
14 **SPECTOR ROSEMAN & KODROFF, P.C.**  
15 1818 Market Street, Suite 2500  
16 Philadelphia, PA 19103  
17 Telephone: (215) 496-0300  
18 Facsimile: (215) 496-6611

19 *Attorneys for Indirect Purchaser Plaintiffs*

20 DATED: April 13, 2007

21 \_\_\_\_\_  
22 /s/  
23 Thomas M. Sobol  
24 **HAGENS BERMAN SOBOL SHAPIRIO, LLP**  
25 One Main Street, 4th Floor  
26 Cambridge, MA 02142  
27 Telephone: (617) 482-3700  
28 Facsimile: (617) 482-3003

Dianne M. Nast  
**RODANAST, PC**  
801 Estelle Drive  
Lancaster, PA 17601  
Telephone: (717) 892-3000  
Facsimile: (717) 892-1200

Daniel Gustafson  
**GUSTAFSON & GLUEK, P.L.L.P.**  
650 Northstar East  
608 Second Avenue South  
Minneapolis, MN 55402  
Telephone: (612) 333-8844  
Facsimile: (612) 339-6622

*Attorneys for Direct Purchaser Plaintiffs*

1 DATED: April 17, 2007

/s/

2 M. Sean Royall (admitted *pro hac vice*)  
3 Monique Michal Drake, SBN 167188  
4 Michael A. Sitzman, SBN 156667  
5 **GIBSON DUNN & CTRUTCHER LLP**  
6 One Montgomery Street, Suite 3100  
7 San Francisco, California 94104  
8 Telephone: (415) 393-8200  
9 Facsimile: (415) 986-5309  
10 Email: [sroyall@gibsondunn.com](mailto:sroyall@gibsondunn.com)  
11 Email: [mdrake@gibsondunn.com](mailto:mdrake@gibsondunn.com)  
12 Email: [msitzman@gibsondunn.com](mailto:msitzman@gibsondunn.com)

13 *Attorneys for Defendants Alza Corporation and*  
14 *Johnson & Johnson*

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED,** AS MODIFIED ABOVE.

16 Dated: April<sup>20</sup>, 2007 \_\_\_\_\_

17   
18 The Honorable Jeffrey S. White  
19 United States District Judge